

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HUGH B. KAUFMAN,	:	CIVIL ACTION NO. 05-2325 (MLC)
	:	
Petitioner,	:	MEMORANDUM OPINION
	:	
v.	:	
	:	
EILEEN MCGINNIS,	:	
	:	
Respondent.	:	
_____	:	

The petitioner bringing this proceeding to enforce an administrative subpoena; and the petitioner seeking to depose the respondent, Eileen McGinnis; and the Court, on March 14, 2005, inter alia, having terminated a related proceeding, but having granted the petitioner:

leave to bring an action at the appropriate time against McGinnis to enforce an administrative subpoena for a deposition; and the Court advising Kaufman, if continuing to pursue this matter, that he should serve a revised administrative subpoena on McGinnis – noting that he seeks a deposition only, and no documents – before bringing a new action; and the Court advising Kaufman further that he should inform McGinnis of the opportunity to move to quash or limit the subpoena under 29 C.F.R. § 18.24(c); and the Court advising that Kaufman should so advise McGinnis (1) in writing, and (2) simultaneously with service of the revised administrative subpoena

(Kaufman v. U.S. Env'tl. Prot. Agency, Dkt. No. 04-1382 (MLC), 3-14-05 Mem. Op.; see id., 3-14-05 Order & J. (terminating action “with leave to bring a new action against Eileen McGinnis at the appropriate time after having taken the appropriate steps”)); and

the petitioner now bringing this new proceeding, but (1) admitting that he has not taken the aforementioned appropriate steps, (2) merely arguing that the Court "advised but did not order Petitioner to serve a revised subpoena upon McGinnis," and (3) merely arguing that "there is no need to reissue the subpoena" (Mem. of Points & Auths., at 12, 13, 15); and thus the Court intending to deny the petition for failing to abide by the Court's previous directions; and for good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper

MARY L. COOPER
United States District Judge